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[Ed. Note.—For other cases, see Witnesses, Cent. Dig. § 1008; Dec. Dig. § 292.* 13 Va.-W. Va. Enc. Dig. 974.]

2. Witnesses (§ 297*)—Privileges—Privilege against Incrimination.—Where a grand jury, considering the question of indicting a witness and others for setting up lotteries, summoned the witness to testify as a witness for the commonwealth in the case of one of the persons, the witness, while acting in good faith to protect himself from indictment, could refuse to testify.

[Ed. Note.—For other cases, see Witnesses, Cent. Dig. § 1026; Dec. Dig. § 297.* 13 Va.-W. Va. Enc. Dig. 974.]

Error to Circuit Court, Alexandria County.

W. D. Edmonston was convicted for contempt of court, and he brings error. Reversed, and contempt proceedings dismissed.

S. G. Brent and Moncure & Tebbs, for plaintiff in error.
The Attorney General, for the Commonwealth.

LILLY v. COMMONWEALTH.

Nov. 26, 1909.

[66 S. E. 225.]

Error to Circuit Court, Alexandria County.

Charles Lilly was convicted of contempt of court, and he brings error. Reversed, and contempt proceedings dismissed.

S. G. Brent and Moncure & Tebbs, for plaintiff in error.
The Attorney General, for the Commonwealth.

HUGHES et al. v. PEEBLES et al.

Nov. 18, 1909.

[66 S. E. 723.]

Counties (§ 74*)—Officers—Compensation—County Treasurer.—Acts 1878-79, p. 323, c. 60, § 15, was substantially incorporated in Code 1887, § 614 (Code 1904, p. 304), which allowed the county treasurer for his services in receiving and disbursing the county and school levies, including all moneys collected by the order of the county authorities for any purpose, the same rate of compensation allowed for receiving and paying over revenues. An amendment thereto, incorporated in Code 1904, as section 1515, provides that in computing commissions for collecting and disbursing all sums levied for county, school, and district purposes the amounts shall be treated as one sum, and not be divided for the purpose of computing the treasurers' commission. Prior to the amendment of 1904, by the almost universal practice of

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

county treasurers for a long number of years, the sums comprising the county levy, school and road levies, etc., were separated, and commissions allowed upon each sum. Held that, while the statutes prior to the last amendment left it uncertain whether commissions should be allowed upon the aggregate sums levied upon each of the several items, the construction placed upon the statutes would not now be disturbed, in view of the hardship and injustice which would result, so that a county treasurer was entitled to commission upon each item of each of the several levies for the years before the amendment.

[Ed. Note.—For other cases, see Counties, Cent. Dig. §§ 106-108; Dec. Dig. § 74.* 3 Va.-W. Va. Enc. Dig. 681.]

Appeal from Circuit Court, Nelson County.

Bill by Hughes and others against Peebles and others. From a judgment on demurrer dismissing the bill, complainants appeal. Affirmed.

Brown & Brown and *Geo. E. Walker*, for appellants.

Caskie & Coleman, for appellees.